

House Amendment 2144

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1 1 Amend the House amendment, S=3532, to Senate File
1 2 601, as amended, passed, and reprinted by the Senate,
1 3 as follows:
1 4 #1. Page 2, by inserting after line 15 the
1 5 following:
1 6 <#____. Page 23, by striking line 35 and inserting
1 7 the following:
1 8 <..... \$ 14,200,000>
1 9 #2. Page 2, by inserting after line 17 the
1 10 following:
1 11 <#____. Page 26, by inserting after line 34 the
1 12 following:
1 13 <Sec. _____. The section of 2007 Iowa Acts, House
1 14 File 641, which is titled "processing of installment
1 15 agreements", and which refers to section 602.8107,
1 16 subsection 4, and allocates moneys to the judicial
1 17 branch, if enacted, is repealed.>>
1 18 #3. Page 2, by striking lines 18 and 19.
1 19 #4. Page 7, by inserting after line 2 the
1 20 following:
1 21 <#____. By striking page 45, line 24, through page
1 22 46, line 7, and inserting the following:
1 23 <272.27 STUDENT TEACHING AND OTHER EDUCATIONAL
1 24 EXPERIENCES.
1 25 If the rules adopted by the board of educational
1 26 examiners for issuance of any type or class of license
1 27 require an applicant to complete work in student
1 28 teaching, ~~an accredited college or university located~~
1 29 ~~within the state of Iowa and states conterminous with~~
1 30 ~~Iowa may offer a program or programs of teacher~~
1 31 ~~education approved by the director of the department~~
1 32 ~~of education or the appropriate authority in states~~
1 33 ~~conterminous with Iowa by entering prestudent teaching~~
1 34 ~~experiences, field experiences, practicums, clinicals,~~
1 35 ~~or internships, an institution with a practitioner~~
1 36 ~~preparation program approved by the state board of~~
1 37 ~~education under section 256.7, subsection 3, shall~~
1 38 ~~enter into a written contract with any accredited~~
1 39 ~~school district or private, accredited nonpublic~~
1 40 ~~school, preschool registered or licensed by the~~
1 41 ~~department of human services, or area education agency~~
1 42 ~~in Iowa under terms and conditions as agreed upon by~~
1 43 ~~the contracting parties. The terms and conditions of~~
1 44 ~~a written contract entered into with a preschool~~
1 45 ~~pursuant to this section shall provide that a student~~
1 46 ~~teacher be under the direct supervision of an~~
1 47 ~~appropriately licensed cooperating teacher who is~~
1 48 ~~employed to teach at the preschool. Students actually~~
1 49 ~~teaching or engaged in preservice licensure activities~~
1 50 ~~in a school district under the terms of such a~~
2 1 contract are entitled to the same protection, under
2 2 section 670.8, as is afforded by that section to
2 3 officers and employees of the school district, during
2 4 the time they are so assigned.
2 5 Sec. _____. Section 279.13, subsection 1, paragraph
2 6 b, if enacted by 2007 Iowa Acts, Senate File 277,
2 7 section 11, is amended to read as follows:
2 8 b. (1) Prior to entering into an initial contract
2 9 with a teacher who holds a license other than an
2 10 initial license issued by the board of educational
2 11 examiners under chapter 272, the school district shall
2 12 either request the division of criminal investigation
2 13 of the department of public safety to conduct a
2 14 background investigation of the applicant or request a
2 15 qualified background screening company accredited by
2 16 the national association of professional background
2 17 check screeners to conduct a background check on the
2 18 applicant. The
2 19 (2) If the school district submits a request to
2 20 the division of criminal investigation pursuant to
2 21 subparagraph (1), the school district shall require
2 22 the teacher to submit a completed fingerprint packet,
2 23 which shall be used to facilitate a national criminal
2 24 history check. The school district shall submit the

2 25 packet to the division of criminal investigation of
2 26 ~~the department of public safety~~ which shall conduct a
2 27 thorough background investigation of the teacher. The
2 28 superintendent of a school district or the
2 29 superintendent's designee shall have access to and
2 30 shall review the sex offender registry information
2 31 under section 692A.13, the central registry for child
2 32 abuse information established under section 235A.14,
2 33 and the central registry for dependent adult abuse
2 34 information established under section 235B.5 for
2 35 information regarding applicants for employment as a
2 36 teacher.

2 37 (3) If the school district submits a request to a
2 38 qualified background screening company pursuant to
2 39 subparagraph (1), the background check shall include a
2 40 national criminal history check, a review of the sex
2 41 offender registry information under section 692A.13,
2 42 the central registry for child abuse information
2 43 established under section 235A.14 as the
2 44 superintendent's designee under section 235A.15, and
2 45 the central registry for dependent adult abuse
2 46 information established under section 235B.5 as the
2 47 superintendent's designee under section 235B.6 for
2 48 information regarding applicants for employment as a
2 49 teacher.

2 50 (4) The school district may charge the teacher a
3 1 fee for the background investigation, which shall not
3 2 exceed the fee charged by the division of criminal
3 3 investigation for conducting the background
3 4 investigation.>>

3 5 #5. Page 9, by inserting after line 6 the
3 6 following:

3 7 <#___. Page 96, by inserting after line 31 the
3 8 following:

3 9 <DIVISION ___
3 10 ABSENTEE BALLOT AFFIDAVITS
3 11 Sec. ___. Section 39A.4, subsection 1, paragraph
3 12 c, subparagraphs (11) and (12), Code 2007, as amended
3 13 by 2007 Iowa Acts, House File 848, section 20, are
3 14 amended to read as follows:

3 15 (11) Returning a voted absentee ballot, by mail or
3 16 in person, to the commissioner's office and the person
3 17 returning the ballot is not the voter, ~~an immediate~~
3 18 family member authorized by the voter to return the
3 19 ballot, ~~an absentee ballot courier~~ the voter's
3 20 designee, or a special precinct election official
3 21 designated pursuant to section 53.22, subsection 1, ~~or~~
3 22 the designee of a voter described in section 53.22,
3 23 subsection 5.

3 24 (12) Making a false or untrue statement reporting
3 25 that a voted absentee ballot was returned to the
3 26 commissioner's office, by mail or in person, by a
3 27 person other than the voter, ~~an immediate family~~
3 28 member authorized by the voter to return the ballot,
3 29 ~~an absentee ballot courier~~ the voter's designee, or a
3 30 special precinct election official designated pursuant
3 31 to section 53.22, subsection 1, ~~or the designee of a~~
3 32 voter described in section 53.22, subsection 5.

3 33 Sec. ___. Section 53.8, subsection 2, Code 2007,
3 34 as amended by 2007 Iowa Acts, House File 848, section
3 35 25, is amended to read as follows:

3 36 2. a. The commissioner shall enclose with the
3 37 absentee ballot a statement informing the applicant
3 38 that the sealed carrier envelope may be mailed to the
3 39 commissioner by the registered voter or the voter's
3 40 designee or may be personally delivered to the
3 41 commissioner's office by the registered voter or the
3 42 voter's designee. The statement shall also inform the
3 43 voter that the voter may request that the voter's
3 44 designee complete a receipt when retrieving the ballot
3 45 from the voter. A blank receipt shall be enclosed
3 46 with the absentee ballot.

3 47 b. If an application is received so late that it
3 48 is unlikely that the absentee ballot can be returned
3 49 in time to be counted on election day, the
3 50 commissioner shall enclose with the absentee ballot a
4 1 statement to that effect. ~~The statement shall also~~
4 2 point out that it is possible for the applicant, an
4 3 immediate family member of the applicant, or the
4 4 applicant's designee if the absentee ballot is voted
4 5 by a voter described in section 53.22, subsection 5,

~~4 6 to personally deliver the completed absentee ballot to~~
~~4 7 the office of the commissioner at any time before the~~
~~4 8 closing of the polls on election day. The statement~~
~~4 9 shall also point out that it is possible for an~~
~~4 10 absentee ballot courier to personally deliver the~~
~~4 11 completed absentee ballot to the office of the~~
~~4 12 commissioner within seventy-two hours of retrieving~~
~~4 13 the completed ballot or before the closing of the~~
~~4 14 polls on election day, whichever is earlier.~~

4 15 Sec. ____ Section 53.10, unnumbered paragraph 2,
4 16 Code 2007, is amended to read as follows:

4 17 Each person who wishes to vote by absentee ballot
4 18 at the commissioner's office shall first sign an
4 19 application for a ballot including the following
4 20 information: name, current address, and the election
4 21 for which the ballot is requested. The person may
4 22 report a change of address or other information on the
4 23 person's voter registration record at that time. The
4 24 registered voter shall immediately mark the ballot;
4 25 enclose the ballot in a secrecy envelope, if
4 26 necessary, and seal it in ~~a ballot~~ an affidavit
4 27 envelope; subscribe to the affidavit on the reverse
4 28 side of the envelope; and return the absentee ballot
4 29 to the commissioner. The commissioner shall record
4 30 the numbers appearing on the application and ~~ballot~~
4 31 affidavit envelope along with the name of the
4 32 registered voter.

4 33 Sec. ____ Section 53.17, subsection 1, paragraph
4 34 a, Code 2007, as amended by 2007 Iowa Acts, House File
4 35 848, section 27, is amended by striking the paragraph
4 36 and inserting in lieu thereof the following:

4 37 a. The sealed carrier envelope may be delivered by
4 38 the registered voter, by the voter's designee, or by
4 39 the special precinct election officials designated
4 40 pursuant to section 53.22, subsection 1, to the
4 41 commissioner's office no later than the time the polls
4 42 are closed on election day. However, if delivered by
4 43 the voter's designee, the envelope shall be delivered
4 44 within seventy-two hours of retrieving it from the
4 45 voter or before the closing of the polls on election
4 46 day, whichever is earlier.

4 47 Sec. ____ Section 53.17, subsection 1, paragraphs
4 48 b and c, Code 2007, are amended to read as follows:

4 49 b. The sealed carrier envelope may be mailed to
4 50 the commissioner by the registered voter, ~~by an~~
~~5 1 immediate family member of the voter, or by the~~
~~5 2 voter's designee if the ballot is voted by a voter~~
~~5 3 described in section 53.22, subsection 5. If mailed~~
~~5 4 by the voter's designee, the envelope must be mailed~~
~~5 5 within seventy-two hours of retrieving it from the~~
~~5 6 voter or within time to be postmarked not later than~~
~~5 7 the day before the election, whichever is earlier.~~

~~5 8 c. The sealed carrier envelope may be delivered to~~
~~5 9 the commissioner by an absentee ballot courier, but~~
~~5 10 only as provided in subsection 4.~~

5 11 Sec. ____ Section 53.17, subsection 4, Code 2007,
5 12 is amended by striking the subsection and inserting in
5 13 lieu thereof the following:

5 14 4. When a person designated by the voter retrieves
5 15 a completed absentee ballot from the voter, the
5 16 designee shall, upon request of the voter, fill out a
5 17 receipt to be retained by the voter. The state
5 18 commissioner shall prescribe a form for receipts
5 19 required by this subsection. The receipt shall
5 20 include all of the following:

- 5 21 a. The name of the voter's designee.
- 5 22 b. The date and time the completed absentee ballot
5 23 was received from the voter.
- 5 24 c. The name and date of the election for which the
5 25 absentee ballot is being voted.
- 5 26 d. The name of the political party, candidate, or
5 27 committee for which the designee is acting as an
5 28 actual or implied agent, if applicable.
- 5 29 e. A telephone number at which the voter's
5 30 designee may be contacted.
- 5 31 f. A statement that the completed absentee ballot
5 32 will be delivered to the commissioner's office within
5 33 seventy-two hours of retrieving it from the voter or
5 34 before the closing of the polls on election day,
5 35 whichever is earlier, or that the completed absentee
5 36 ballot will be mailed to the commissioner within

5 37 seventy-two hours of retrieving it from the voter or
5 38 within time to be postmarked not later than the day
5 39 before the election, whichever is earlier.
5 40 Sec. _____. Section 53.17, subsection 5, Code 2007,
5 41 is amended by striking the subsection.
5 42 Sec. _____. Section 53.18, Code 2007, is amended to
5 43 read as follows:
5 44 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION
5 45 == REVIEW OF AFFIDAVIT == REPLACEMENT BALLOTS.
5 46 1. ~~Upon receipt of~~ When the return carrier
5 47 envelope containing the completed absentee ballot is
5 48 received by the commissioner, the commissioner shall
5 49 at once record the number appearing on the application
5 50 and return carrier envelope and time of receipt of
6 1 such ballot and attach the elector's application to
6 2 the unopened envelope. Absentee ballots shall be
6 3 stored in a secure place until they are delivered to
6 4 the absentee and special voters precinct board.
6 5 2. If the commissioner receives the return carrier
6 6 envelope containing the completed absentee ballot by
6 7 five p.m. on the Saturday before the election for
6 8 general and primary elections and by five p.m. on the
6 9 Friday before the election for all other elections,
6 10 the commissioner shall open the envelope to review the
6 11 affidavit for any deficiencies. If the affidavit
6 12 contains a deficiency that would cause the ballot to
6 13 be rejected, the commissioner shall, within
6 14 twenty-four hours of the time the envelope was
6 15 received, notify the voter of that fact and that the
6 16 voter may correct the deficiency by five p.m. on the
6 17 day before the election.
6 18 3. If the affidavit envelope is open when received
6 19 by the commissioner, or has been opened and resealed,
6 20 or if the ballot is not enclosed in the affidavit
6 21 envelope, the commissioner shall immediately notify
6 22 the voter of that fact and that the voter's absentee
6 23 ballot shall not be counted unless the voter applies
6 24 for a replacement ballot and returns the replacement
6 25 ballot in the time permitted under section 53.17,
6 26 subsection 2. The replacement ballot application
6 27 shall be the same as is required for an application
6 28 under section 53.2. If the information on the
6 29 replacement ballot application matches the information
6 30 on the original application, the voter shall be
6 31 allowed to complete a replacement absentee ballot. The
6 32 same serial number that was assigned to the records of
6 33 the original absentee ballot application shall be used
6 34 on the envelope and records of the replacement ballot.
6 35 The affidavit envelope containing the completed
6 36 replacement ballot shall be marked "Replacement
6 37 ballot". The affidavit envelope containing the
6 38 original ballot shall be marked "Defective ballot" and
6 39 the replacement ballot and replacement ballot
6 40 application shall be attached to the original
6 41 application and affidavit envelope containing the
6 42 original ballot and shall be stored in a secure place
6 43 until they are delivered to the absentee and special
6 44 voters precinct board, notwithstanding sections 53.26
6 45 and 53.27.
6 46 4. The state commissioner of elections shall adopt
6 47 rules for implementation of this section.
6 48 Sec. _____. Section 53.19, unnumbered paragraph 3,
6 49 Code 2007, is amended to read as follows:
6 50 However, any registered voter who has received an
7 1 absentee ballot and not returned it may surrender the
7 2 absentee ballot to the precinct officials and vote in
7 3 person at the polls. The precinct officials shall
7 4 mark the uncast absentee ballot "void" and return it
7 5 to the commissioner. Any registered voter who has
7 6 been sent an absentee ballot by mail but for any
7 7 reason has not received it or who has not brought the
7 8 ballot to the polls may appear at the voter's precinct
7 9 polling place on election day and shall cast a ballot
7 10 in accordance with section 49.81. Any registered
7 11 voter who has been notified by the commissioner
7 12 pursuant to section 53.18 of the need to correct a
7 13 deficiency on the affidavit or to apply for and vote a
7 14 replacement absentee ballot and who has not corrected
7 15 the deficiency or voted a replacement absentee ballot
7 16 may appear at the voter's precinct polling place on
7 17 election day and shall cast a ballot in accordance

7 18 with section 49.81.

7 19 Sec. _____. Section 53.21, unnumbered paragraph 4,
7 20 Code 2007, is amended to read as follows:

7 21 The voter shall enclose one copy of the above
7 22 statement in the return carrier envelope with the
7 23 ~~ballot affidavit~~ envelope and retain a copy for the
7 24 voter's records.

7 25 Sec. _____. Section 53.23, subsection 3, Code 2007,
7 26 is amended to read as follows:

7 27 3. a. The commissioner shall set the convening
7 28 time for the board, allowing a reasonable amount of
7 29 time to complete counting all absentee ballots by ten
7 30 p.m. on election day. The commissioner may direct the
7 31 board to meet on the day before the election solely
7 32 for the purpose of reviewing the absentee voters'
7 33 affidavits appearing on the sealed ~~ballot affidavit~~
7 34 envelopes. If in the commissioner's judgment this
7 35 procedure is necessary due to the number of absentee
7 36 ballots received, the members of the board may open
7 37 the sealed ~~ballot affidavit~~ envelopes and remove the
7 38 secrecy envelope containing the ballot, but under no
7 39 circumstances shall a secrecy envelope be opened
7 40 before the board convenes on election day. If the
7 41 ~~ballot affidavit~~ envelopes are opened before election
7 42 day, two observers, one appointed by each of the two
7 43 political parties referred to in section 49.13,
7 44 subsection 2, shall witness the proceedings.

7 45 b. If the board finds any ballot not enclosed in a
7 46 secrecy envelope and the ballot is folded in such a
7 47 way that any of the votes cast on the ballot are

7 48 visible, the two special precinct election officials,
7 49 one from each of the two political parties referred to
7 50 in section 49.13, subsection 2, shall place the ballot
8 1 in a secrecy envelope. No one shall examine the
8 2 ballot. Each of the special precinct election
8 3 officials shall sign the secrecy envelope.

8 4 Sec. _____. Section 53.24, Code 2007, is amended to
8 5 read as follows:

8 6 53.24 COUNTIES USING VOTING MACHINES.

8 7 In counties which provide the special precinct
8 8 election board with voting machines, the ~~absentee~~
8 9 ~~ballot affidavit~~ envelopes shall be opened by the
8 10 board and the ballots shall, without being unfolded,
8 11 be thoroughly intermingled, after which they shall be
8 12 unfolded and, under the personal supervision of
8 13 precinct election officials of each of the political
8 14 parties, be registered on voting machines the same as
8 15 if the absent voter had been present and voted in
8 16 person, except that a tally of the write-in votes may
8 17 be kept in the tally list rather than on the machine.
8 18 When two or more political subdivisions in the county
8 19 are holding separate elections simultaneously, the
8 20 commissioner may arrange the machine so that the
8 21 absentee and provisional ballots for more than one
8 22 election may be recorded on the same machine.

8 23 Sec. _____. Section 53.25, Code 2007, is amended to
8 24 read as follows:

8 25 53.25 REJECTING BALLOT.

8 26 ~~In case if~~ the absentee voter's affidavit is found
8 27 to be insufficient, ~~or that if~~ the applicant is not a
8 28 duly registered voter in such precinct, ~~or that the~~
8 29 ~~ballot envelope is open, or has been opened and~~
8 30 ~~resealed, or that if~~ the ~~ballot affidavit~~ envelope
8 31 contains more than one ballot of any one kind, or ~~that~~
8 32 ~~said if~~ the voter has voted in person, such vote shall
8 33 not be accepted or counted. If the affidavit envelope
8 34 is open, or has been opened and resealed, or if the
8 35 ballot is not enclosed in the affidavit envelope, and
8 36 an affidavit envelope with the same serial number and
8 37 marked "Replacement ballot" is not attached as
8 38 provided in section 53.18, the vote shall not be
8 39 accepted or counted.

8 40 If the absentee ballot is rejected prior to the
8 41 opening of the ~~ballot affidavit~~ envelope, the voter
8 42 casting the ballot shall be notified by a precinct
8 43 election official by the time the canvass is completed
8 44 of the reason for the rejection on a form prescribed
8 45 by the state commissioner of elections.

8 46 Sec. _____. Section 53.27, Code 2007, is amended to
8 47 read as follows:

8 48 53.27 REJECTION OF BALLOT == RETURN OF ENVELOPE.

8 49 If the ballot is rejected, ~~said ballot the~~
8 50 affidavit envelope, with the affidavit of the voter
9 1 endorsed thereon, shall be returned with ~~said the~~
9 2 rejected ballot in the envelope endorsed "Defective
9 3 ballots".
9 4 Sec. _____. Section 53.32, Code 2007, is amended to
9 5 read as follows:
9 6 53.32 BALLOT OF DECEASED VOTER.
9 7 When it shall be made to appear by due proof to the
9 8 precinct election officials that any elector, who has
9 9 so marked and forwarded a ballot, has died before the
9 10 ~~ballot affidavit~~ envelope is opened, then the ballot
9 11 of such deceased voter shall be endorsed, "Rejected
9 12 because voter is dead", and be returned to the
9 13 commissioner; but the casting of the ballot of a
9 14 deceased voter shall not invalidate the election.
9 15 Sec. _____. Section 53.38, Code 2007, is amended to
9 16 read as follows:
9 17 53.38 WHAT CONSTITUTES REGISTRATION.
9 18 Whenever a ballot is requested pursuant to section
9 19 53.39 or 53.45 on behalf of a voter in the armed
9 20 forces of the United States, the affidavit upon the
9 21 ~~ballot affidavit~~ envelope of such voter, if the voter
9 22 is found to be an eligible elector of the county to
9 23 which the ballot is submitted, shall constitute a
9 24 sufficient registration under chapter 48A. A
9 25 completed federal postcard registration and federal
9 26 absentee ballot request form submitted by such
9 27 eligible elector shall also constitute a sufficient
9 28 registration under chapter 48A. The commissioner
9 29 shall place the voter's name on the registration
9 30 record as a registered voter if it does not already
9 31 appear there.
9 32 Sec. _____. Section 53.40, unnumbered paragraph 5,
9 33 Code 2007, is amended to read as follows:
9 34 If the affidavit on the ~~ballot affidavit~~ envelope
9 35 shows that the affiant is not a qualified voter on the
9 36 day of the election at which the ballot is offered for
9 37 voting, the envelope shall not be opened, but the
9 38 envelope and ballot contained in the envelope shall be
9 39 preserved and returned by the precinct election
9 40 officials to the commissioner, who shall preserve them
9 41 for the period of time and under the conditions
9 42 provided for in sections 50.12 through 50.15 and
9 43 section 50.19.
9 44 Sec. _____. Section 53.44, unnumbered paragraph 1,
9 45 Code 2007, is amended to read as follows:
9 46 The affidavit on the affidavit envelope used in
9 47 connection with voting by absentee ballot under this
9 48 division by members of the armed forces of the United
9 49 States need not be notarized or witnessed, but the
9 50 affidavit on ~~the ballot such~~ envelope shall be
10 1 completed and signed by the voter.>
10 2 #6. By renumbering as necessary.
10 3 SF 601.S
10 4 mg/cc/26